

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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MARIA FIGGS,

Plaintiff,

ORDER

-against-

CV 11-3938 (LDW)(ETB)

COUNTY OF SUFFOLK, et al.,

Defendants.
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This Section 1983 action commenced in August 2011. The history of this action, with emphasis on the failure of the plaintiff to file a list of trial witnesses and trial exhibits, is detailed below.

A list of trial witnesses and trial exhibits was to have been filed on June 1, 2012. That date was later extended to June 15, 2012, with the admonition that any non-compliant party would be exposed to sanctions, “including preclusion of exhibits and witnesses at trial.” (Order of Boyle, M.J., dated June 5, 2012.) Based on the parties’ non-compliance with the above Orders, on June 19, 2012, the parties were “precluded from calling any witnesses at trial or introducing any exhibits at trial unless such party files a list of trial witnesses and trial exhibits no later than June 26, 2012.” (Order of Boyle, M.J., dated June 19, 2012.)

On June 26, 2012, the parties appeared before Judge Wexler with respect to a motion by plaintiff’s counsel, Michael Fineman, to be relieved. That application was granted by Judge Wexler by Order dated July 18, 2012. The plaintiff was granted 120 days to secure new counsel and all proceedings in this action were stayed. (Order of Wexler, J., dated July 18, 2012.)

On December 10, 2012 - the stay having expired without any appearance of counsel on

plaintiff's behalf - the County defendants filed their list of trial witnesses and trial exhibits. By Order dated December 11, 2012, the undersigned directed the plaintiff to file a list of trial witnesses and trial exhibits by January 11, 2013. The now pro se plaintiff has failed to comply with this Order.

Based on the foregoing history, the pro se plaintiff is precluded from offering any trial exhibits and/or calling any witnesses unless she files the required list of witnesses and exhibits no later than February 28, 2013. A final conference will be held on March 7, 2013 at 1:30 p.m., by telephone. The County Attorney is directed to initiate the conference call and to have all parties on the line prior to connecting the Court (631-712-5710). The call must be placed through the teleconference operator provided by your long-distance service. The conference scheduled for January 17, 2013 is canceled.

The County Attorney is directed to serve a copy of this Order on the pro se plaintiff upon receipt and to file a certificate of service with the Court.

SO ORDERED:

Dated: Central Islip, New York
January 16, 2013

/s/ E. Thomas Boyle
E. THOMAS BOYLE
United States Magistrate Judge